

May 14, 2013

Mr. Phil Isenberg
980 9th Street, Ste. 1500
Sacramento, 95814

Dear Chairman Isenberg and Members of the Delta Stewardship Council,

Thank you for the opportunity to provide our comments on the Delta Plan.

The need for a comprehensive and integrated plan that directly addresses major factors affecting Delta water resources, land use and environment was recognized by the Delta Vision Blue Ribbon Task Force members in their Delta Vision report and Implementation Plan in October 2008. The legitimacy of this need was recognized by the legislature in 2009 when (among other actions) they created the Delta Stewardship Council and provided you with the mandate and authority to develop a Delta Plan. You are to be congratulated for completing this mandate with the development of the Delta Plan before you.

I think we all recognize that this is not a perfect plan. On major issues from specifically defining “reduced reliance on the Delta,” to the need for new water conveyance in the Delta and whether new conveyance is consistent with the proposed Plan, you will find differing, conflicting perspectives. But in the opinion of TNC, this is a good plan and a good foundation that starts leading us down the right path of local, state and federal agency accountability towards critical objectives that:

- Protect the economic vitality of the Delta as an agricultural community and a place of special significance;
- Recognize the need for integrated flood management activities as part of ecosystem restoration and appropriate levels of risk reduction; and
- Provide for more reliable water supplies for the state and for restoring and protecting the Delta’s ecosystem.

The fact that the Council will review and amend the Plan at least every 5 years is very important. This review acknowledges the evolving nature of the Delta, the key role of pending State and federal policies – from the Bay-Delta Conservation Plan (BDCP) and the on-going the State Water Resources Control Board update of the Bay-Delta Water Quality Control Plan – and the need for transparent, accessible scientific review. It is important that periodically you measure outcomes with sound science and build public understanding about the ecological collapse we are witnessing in the Delta, and how the system is responding to restoration efforts – both related to habitat restoration and the need for adequate flows.

Having said this, we feel the need to point out three critical areas in the Plan that warrant particular attention. These areas are critical because attaining a healthy Delta ecosystem and more reliable water supplies is dependent upon their successful implementation.

1. Achieving reduced reliance on the Delta as a source of water

2. The need to improve conveyance and expanded storage south of the Delta ; and
3. The critical need for updated flow objectives

Note that ecosystem restoration is also a critical fourth component but we are more comfortable with how the Delta Plan addresses this component than the other three.

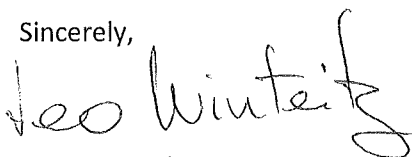
We support the initial approach you are taking on calling for reduced reliance on the Delta – that is, reduced reliance can be measured as either an absolute reduction in use of water from the Delta or a percentage (or relative) reduction of that water use as other water sources are brought in. We recognize the need for this approach, even its pragmatism. At the same time, relative reduction could still result in increased water demand on the Delta over time and we don't believe that this is a sustainable path. We are continuing to undertake our own scientific analysis, and we believe that the BDCP has some promise in reducing ecological impacts in the Delta related to operation of the export pumps. However, it is our view that in your implementation phase, the ultimate goal should be an absolute reduction in use of water from the Delta. We urge you to consider this in the next review and update of the Delta Plan.

New water infrastructure and the pending development of the BDCP provide an opportunity through improved conveyance to export more water in wetter periods and less in drier periods when exports are more harmful to our aquatic species. You call for this operational approach several times in the Plan. In your review of BDCP you should look for this as a consistency measure with the Delta Plan. The new conveyance will allow BDCP permittees to start operating in this mode, and additional storage down the line will allow for even more efficient and increased operations of this type. But it is important that BDCP start now with the flexibility new conveyance will provide.

In your plan, you state that the best available science demonstrates that flow management is essential to the restoration of the Delta ecosystem. You also say that this same science suggests that the currently required flow objectives within and outside the Delta are insufficient to protect the Delta ecosystem. A great majority of scientists knowledgeable of the Bay Delta system agree with this statement. The State Water Resources Control Board is the state agency that establishes flow objectives for the Delta. In the Plan you recommend that the State Water Board complete flow objectives for the Delta by June 2, 2014. That is barely a year from now. For the sake of the Delta's ecosystem and water supply reliability that depend on a healthy Delta ecosystem it is critically important that you use whatever legislative and moral authority you have to keep the State Water Board to this schedule.

We believe this Delta Plan sets the right path for actions to meet the coequal objectives and to protect the Delta as a special place as codified in the 2009 water legislation. We commend and congratulate you for completing this document in a timely yet deliberate manner and we urge you to adopt it.

Sincerely,

A handwritten signature in dark ink, appearing to read "Leo Winternitz", written in a cursive style.

Leo Winternitz
Senior Policy Advisor